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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 THE HANOVER INSURANCE  
9 COMPANY,

10 Plaintiff,

11 v.

12 CRISTINA MEHLING, et al.,

Defendants.

C16-1671 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable  
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiff's motion for judgment on the pleadings, docket no. 15, is DENIED  
16 in part as to the duty to defend and DEFERRED in part as to any duty of indemnification.  
17 With regard to The Hanover Insurance Company's duty to defend Christina Mehling and  
18 the Mehling Law Firm PLLC (collectively, "Mehling Defendants") in the action brought  
19 in King County Superior Court by Virginia L. Burdette in her capacity as the Chapter 7  
20 Trustee for the Andrew Kim Bankruptcy Estate, the Court is persuaded that issues of  
21 material fact preclude judgment as a matter of law on the pleadings. See Fed. R. Civ.  
22 P. 12(c); see also Gen'l Conference Corp. of Seventh-Day Adventists v. Seventh-Day  
Adventist Congregational Church, 887 F.2d 228, 230 (9th Cir. 1989). The allegations  
and claims asserted by Burdette, see Ex. A to Compl. (docket no. 1-2), are broader than  
the matters about which Mehling might have had notice in 2013, before the "inception"  
date of the policy at issue, see Exs. C, D, E, G, & H to Compl. (docket nos. 1-4, 1-5, 1-6,  
1-8, & 1-9), and thus, whether the policy "conceivably covers" the assertions in the  
underlying complaint, as liberally construed, is at least a question of fact. See Am. Best  
Food, Inc. v. Alea London, Ltd., 168 Wn.2d 398, 404-05, 229 P.3d 693 (2010); see also  
Expedia, Inc. v. Steadfast Ins. Co., 180 Wn.2d 793, 802, 329 P.3d 59 (2014).

1 (2) The deferred portion of the Mehling Defendants' motion to stay, docket  
2 no. 18, is GRANTED, and this case is hereby STAYED pending resolution of the  
3 underlying litigation between Burdette and the Mehling Defendants. The parties shall  
4 provide a Joint Status Report within fourteen (14) days after the underlying litigation in  
5 King County Superior Court is completed or by January 15, 2018, whichever occurs  
6 earlier.

7 (3) The oral argument scheduled for Friday, May 12, 2017, at 10:00 a.m., is  
8 STRICKEN.

9 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of  
10 record.

11 Dated this 8th day of May, 2017.

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William M. McCool  
Clerk

s/Karen Dews  
Deputy Clerk